

Exhibit No. 5
Date 2-7-07
Bill No. SB-96

Page 8, line 14

Rewrite (3) so that it says the following:

(3) A petition may be made available via the internet or by mail. The form of such petitions may contain no more than two signature lines and must include a statement that the petition language and format may not be modified. Signatures gathered via internet or mail petitions may be submitted for verification. The signatures on such petitions must be submitted with an affidavit in substantially the same form as prescribed by the secretary of state pursuant to 17-27-302(2).

Page 14, line 24

Insert a new (2) that reads:

(2) An affidavit, in substantially the following form, must be attached to petitions that have been gathered from the mail or the internet:

I, (name of person signing the affidavit), swear that the signatures on the petition(s) to which this affidavit is attached are genuine to the best of my knowledge, that a full copy of the petition was made available to the signers.

[all the various signature, date and notary lines here]

Rationale: Legislative services has told me the language in the current affidavit appearing in 13-27-302 is not appropriate for mail or internet petitions. Thus new language is required. The new language proposed for 13-27-201(3) allows for internet or mail petitions. It limits the signatures to two per petition, the idea being it would be more difficult and laborious to use these types of petitions in any kind of fraudulent manner.

A new affidavit is required to attest to the signatures gathered this way. I'm open to suggestions on how to make the affidavit more onerous to the affiant but I just don't think there is much to which one could swear for these types of petitions.